



IAPDC

EMAIL NEWSLETTER

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A WORD FROM THE CHAIR

JULIET LYON CBE

With thanks to [Koestler Arts](#)

For those of you who are new, or returning, to the Practitioner and Stakeholder Group (PSG) – a quick note on how the group works and a reflection on what we can do together to help prevent deaths in custody.

The Ministerial Council on Deaths in Custody formally commenced operation on 1 April 2009 and is jointly sponsored by the Ministry of Justice, the Department of Health and Social Care and the Home Office. The Council consists of three tiers:

- *Ministerial Board on Deaths in Custody (MBDC)*
- *Independent Advisory Panel on Deaths in Custody (IAPDC)*
- *Practitioner and Stakeholder Group (PSG)*

The remit of the Council covers deaths, natural and self-inflicted, which occur in prisons, in or following police custody, immigration detention, the deaths of residents of approved premises and the deaths of people detained under the Mental Health Act (MHA) in hospital and secure health settings. The principles and lessons learned as part of this work also apply to the deaths of those detained under the Mental Capacity Act in hospital.

The role of the IAPDC, a non-departmental public body, is to provide independent advice and expertise to Ministers, senior officials and the Ministerial Board. We provide guidance on policy and best practice across sectors, make and monitor recommendations to Ministers and operational services and assist them to meet their human rights obligations to protect life.

The PSG is an integral part of the Council's work to prevent deaths in custody. With a knowledgeable membership of health and justice professionals, bereaved family members, people with lived experience of custodial environments, academics and human rights lawyers, the PSG informs, supports and challenges the IAPDC to provide clear, up to date advice to Ministers, senior officials and the Board. We share the single objective to bring about a continuing and sustained reduction in the number and rate of deaths in all forms of state custody in England and Wales.

This newsletter is one way to keep in touch about ways to protect lives in custody. We are grateful for the contributions PSG colleagues make from taking part in the [Keeping Safe](#) event just before the pandemic struck to contributing to the expert roundtable with the Royal College of Nursing (RCN) on [avoiding natural deaths in custody](#) which has now prompted a review of the process of compassionate release. To share knowledge and exchange information a paper on suicide risk and prevention by panel colleagues, Professors Seena Fazel and Jenny Shaw, amongst others, and a paper on COVID mental health recovery, kindly submitted by PSG member Kimmeth Edgar, are being circulated with the newsletter.



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COVID-19 - IMPACT AND LONG-TERM RECOVERY IN PRISONS

For almost 18 months people have been confined in a prison within a prison. Since the start of the pandemic, 149 people in prison have died within 28-days of being diagnosed with COVID-19. While deaths from COVID-19 in prison have been far lower than the initial modelling and worst-case projections made by Public Health England (PHE), the protracted lockdown measures imposed to prevent the spread of the virus are having a profound effect on mental and physical health. Since August 2020 over 17,000 prisoners and more than 13,000 prison staff have contracted the virus. It is not yet known how many are suffering from long COVID.

The IAPDC has prepared a [brief report](#) for the PSG and other interested parties. Here we have outlined some of the work done to protect lives and some of the evidence-based advice offered to enable Ministers to meet their human rights obligations. We very much regret the failure to take strategic opportunities, namely temporary compassionate release and universal vaccination which, on clinical, ethical and public health grounds, could have mitigated harm done by severely restricted regimes and lengthy isolation.

In 2020 the panel organised two widescale consultations with people in prison in partnership with Prison Radio and Inside Time. Reports produced ([‘Keep Talking, Stay Safe’](#) and [‘Just One Thing’](#)), have helped to inform the response to people held in extreme imprisonment, identify what prisoners value most in straitened times and point towards steps to recovery.

“I'm sure there is a lot of prisoners suffering from severe anxiety, isolating in their cells not knowing when they're going to be unlocked.”

Message from a prisoner to an IAPDC consultation, 2020

Attention must now turn to the safe, and necessarily painstaking, emergence from restrictions. To that end, the IAPDC has broadcast a series of interviews with National Prison Radio and invited views from people in prison to understand what measures should be put in place to support prisoners during the recovery period.

‘I am looking forward to coming out of lockdown. However due to close proximity of all individuals, this is a high risk environment. Therefore, I really hope the SMT will safely and cautiously ease the restrictions in a careful and controlled manner. My mental health has somewhat deteriorated. I am nervous, eager and cautious of easing the restrictions. The mental health team keep saying ‘your request has been sent’. However, I still have not received any support.’

Letter to IAPDC July 2021

The IAPDC is advocating mental and physical health checks for everyone in custody as well as additional mental health and bereavement support. Current mental health concerns were raised in our [written](#) and [oral](#) evidence to the Justice Committee.

Recovery briefing

We are publishing with this newsletter a briefing prepared by Dr Kimmett Edgar, head of research at the Prison Reform Trust and PSG member, on what HMPPS can learn from evidence on the impact of, and safe emergence from, other forms of extreme isolation in custody such as solitary confinement and quarantine for some infectious diseases.

Invitation to members of the PSG:

We warmly welcome views from PSG colleagues on specific measures that the IAPDC should put forward to ministers and senior officials to ensure the safety of those in custody as restrictions are eased and attention turns to long-term recovery and reform.

Email us at iap@justice.gov.uk



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PREVENTING DEATHS DURING AND FOLLOWING POLICE CONTACT

In December 2020 the IAPDC met the Minister for Policing, Kit Malthouse MP, to discuss priority areas for future work concerning the prevention of deaths in police custody. This included plans to develop a new police leadership initiative to highlight a zero-tolerance approach to custody deaths to raise awareness of the most at-risk cohorts, such as those suffering from mental health problems or substance addictions. The IAPDC and Kit Malthouse have since met Michael Lockwood, Director General of Independent Office for Police Conduct (IOPC), and Lord Nick Herbert, Chair of the College of Policing (CoP), to discuss this strategy further.

Following the February 2021 publication of the coroner's Prevention of Future Death [report](#) for Kevin Clarke, a 35 year old black man with mental health needs who died in police custody in 2018, Juliet Lyon and Kit Malthouse MP sent a joint [letter](#) to all Police and Crime Commissioners (PCCs) in England and Wales. The letter asked PCCs for examples of good practice evident in their local forces regarding three priority areas:

- a. How forces respond to people in a mental health crisis
- b. Apparent post-custody suicides (of which there were 54 such deaths during 2019/20)
- c. How forces embed and share learning

Returns from half the police force areas in England and Wales provide a picture of some good practice that could be applied more widely, including liaison and diversion services, work with mental health first responders and how forces can learn from critical incidents and provide support to those at risk after release. PCCs also consistently commented on funding challenges impacting the levels of service they are able to provide for vulnerable people in a mental health crisis. In September, a briefing on good practice based on these responses will be discussed with the Policing Minister, published and shared with recently elected PCCs, police chiefs, the College of Policing and the IOPC.

PREVENTING DEATHS IN IMMIGRATION DETENTION

In 2018 the Home Office asked the IAPDC to provide advice on issues pertaining to deaths, 'near misses', and incidents of serious self-harm in immigration detention. The request was made in support of three recommendations relating to deaths in detention made by Stephen Shaw in his [Independent Review into the Welfare in Detention of Vulnerable Persons](#) in 2016. The [IAPDC report, published October 2020](#), contains 24 specific 'deliverables' for a Home Office strategy.

The panel presented the report to the Home Office's Detention Reform Board in October 2020, where its recommendations were accepted. The Home Office [response](#), and associated [Action Plan](#), was published March 2021, and the panel has continued to offer expert advice to support the implementation of the report's recommendations, including supporting the formalisation of information sharing arrangements with HMPPS.



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SUBSTANCE MISUSE-RELATED DEATHS IN THE CRIMINAL JUSTICE SYSTEM

In early 2021, the IAPDC was asked by HMPPS to help inform the review of the National Prison Drugs Strategy, especially as it relates to deaths in detention and following release from custody. In April 2021 the IAPDC and the Royal College of GPs Secure Environments Group (RCGP SEG) hosted a joint roundtable event bringing together a range of experts and professionals in the area of drug and alcohol misuse in the criminal justice system to discuss treatment, good practice, and how investigations could be improved.

A draft briefing summarising the main conclusions from the event was shared with HMPPS in May. Its key messages have informed development of the review and prompted further work to increase understanding of these deaths and to improve practice. The draft was discussed at the quarterly meeting of the RCGP SEG. Our next steps are to draw together expert comment with cross reference to part two of Dame Carol Black's second review, before submitting a final IAPDC/RCGP report to MoJ and Home Office ministers, the new government drug strategy unit and HMPPS.

Invitation to members of the PSG:

If any PSG colleagues wish to comment,
please get in touch via email at iap@justice.gov.uk
and we would be pleased to share the working draft with you.

MINISTERIAL BOARD ON DEATHS IN CUSTODY

At a meeting of the Board in June 2021 the IAPDC put forward, following panel discussion and a consultation with the Board's wider membership, three priority focus areas for the Board for the next 12 months:

- Mental health and substance misuse
- Embedding learning and physical health
- COVID-19

These three priorities will be informed by the evidence base including collation and publication of disaggregated data according to protected characteristics; race and the impact of disproportionality; and the perspectives of – and learning from – people with lived experience and bereaved families. Panel members will work alongside PSG colleagues to play an active role in providing expert input and challenge to departments and services to ensure clear progress is made over the coming year.

The autumn newsletter will carry updates on this and implementation of recommendations on policing and immigration. We will also give brief accounts on work to challenge misuse of prisons as a place of safety, embed learning from coroners' Prevention of Future Deaths reports and a new secure health initiative.